

REMARKS

Claims 1-12 were pending in the application. Claims 1-5 and 12 are rejected under 35 U.S.C. 102(b). Claims 1-10 and 12 are provisionally rejected as being unpatentable over claims 1-9, 11, and 12 of copending Application No. US 10/587,763. Claim 11 is indicated as being allowable if rewritten in independent form to include the limitation of the base claim and any intervening claims.

Claims 1-12 are canceled without prejudice. New claims 13-52 are added.

New claims 13-25 recite methods corresponding to original agent claims 1 to 6 and 11. Support for new claims 13-25 may also be found, for example, on page 16, lines 8-12, of the specification.

New claims 26, 35, and 44 correspond to original claims 7, 11, and 10, respectively, each rewritten in independent form. New claims 27-34, 36-43, and 45-52 correspond to original claims 2-6, 8, 9, and 12.

No new matter is added.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claim 11 would be allowable if rewritten in independent form to include the limitations of claim 1. Claims 1-10 and 12 are provisionally rejected as being unpatentable over claims 1-9, 11, and 12 of copending Application No. US 10/587,763.

New claim 35 corresponds to original claim 11 rewritten in independent form to include the limitations of claim 1. New claims 36-43 depend from claim 35. Accordingly, Applicant respectfully requests that the Examiner allow claims 35-43.

Double Patenting

Claims 1-10 and 12 are provisionally rejected as being unpatentable over claims 1-9, 11, and 12 of copending Application No. US 10/587,763.

In response to the provisional rejection, Applicant submits herewith a terminal disclaimer.

Claims Rejections 35 U.S.C. 102

Claims 1-5 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by **Hohmann** et al. (US 4,046,752). Claims 1-5 and 12 are also rejected under 35 U.S.C. 102(b) as being anticipated by **Neeb** et al. (US 4,269,768). The Examiner's rejections have been carefully considered.

Original claim 7 is not anticipated by Hohmann or Neeb. New claim 26 combines the limitations of original claims 1 and 7. Accordingly, new claim 26 is not anticipated by Hohmann or Neeb. New claims 27-34 depend from new claim 26 and, therefore, are also not anticipated by Hohmann or Neeb.

Original claim 10 is not anticipated by Hohmann or Neeb. New claim 44 combines the limitations of original claims 1 and 10. Accordingly, new claim 44 is not anticipated by Hohmann or Neeb. New claims 45-52 depend from new claim 44 and, therefore, are also not anticipated by Hohmann or Neeb.

Original claim 11 is not anticipated by Hohmann or Neeb. New claim 35 combines the limitations of original claims 1 and 11. Accordingly, new claim 35 is not anticipated by Hohmann or Neeb. New claims 36-43 depend from new claim 35 and, therefore, are also not anticipated by Hohmann or Neeb.

New claims 13-25 recite methods for dyeing keratin fibers with hair colorants or agents comprising at least one thiazolium azo dye. Hohmann and Neeb disclose only certain thiazolium azo dyes and processes for preparing special azo compounds. Neither Hohmann nor Neeb disclose or suggest the use of thiazolium azo dyes for dyeing keratin fibers or hair or agents comprising the thiazolium azo compounds and additional dyes or oxidative dye precursors. Accordingly, Applicant believes that new claims 13-25 are patentable over Hohmann and Neeb.

Applicant believes that new claims 13-52 are patentable over the cited prior art and respectfully requests that the claims be allowed.

Conclusion

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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